

A TWELVETH

8145.6
12

A D D R E S S
T O T H E
F R E E C I T I Z E N S,
A N D
F R E E - H O L D E R S
O F T H E
C I T Y o f *D U B L I N*.

The S E C O N D E D I T I O N .



K Lucas

D U B L I N :

Printed by JAMES ESDALL, on *Cork-Hill*, 1748.

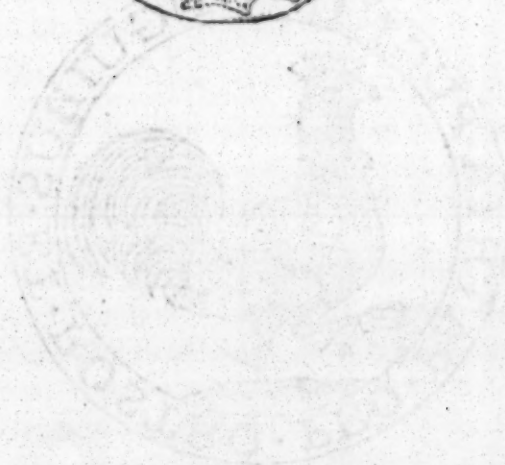
ATWELVTH

A D R E S S

TO THE

THE

CITY OF DUBLIN



DUBLIN

Printed by James Brown, at the City of Dublin

A T W E L V E T H

ADDRESS, &c.

BEFORE I come to touch upon the general Distempers, incident to the *Body Politic*, I shall beg Leave, to take up a little of your Time, my BRETHREN and FRIENDS, with relating a particular Grievance from *England*, which has, already, proved extremely distressful to this poor Kingdom; and if it be continued, must prove its final Destruction: I mean, the wresting the civil Judicature from our *House of Peers*.

THIS is the infernal Product of one of the many Schemes laid by *our Judges*, to overturn this Constitution. And will serve to shew you, what Danger your whole State must be in, whenever weak, corrupt, or dependent Creatures are packed into these great Offices; and with what a watchful and jealous Eye, these Officers are always to be viewed, by a Free People.

I FLATTER my self, I have, already, made the ORIGINAL COMPACT, between the first *British*, and every succeeding, King of this Realm, and the People, very plain and familiar; and that it, now, appears to you, beyond Contradiction, that *Ireland* is, by Right and by Law; a Perfect, Free and Independent Kingdom subject to no Power, Legislature, or Jurisdiction, but that of the King of *England*, who is, and is to be, *King of Ireland*; and to the *Lords and Commons* of the Realm, and the Laws by them made, or approved, and to the Magistrates and other Officers by them appointed. Or, as the Great, but *corrupt Coke* himself expresses it, "That *Ireland*, being of itself a *Distinct Dominion*, and *no part* of the Kingdom of *England*; is to have Parliaments holden *there*, as in *England*." And so proves, from a Record, of the 18th of *Henry*

the Third, that a Parliament was held here by King *John*.

YET, notwithstanding this, it has, of late, been confidently asserted, that We are subject to the Legislature and Jurisdiction of *England*. The former, I hope, I have, already, refuted, and now, I come to offer some Arguments against the later, to your Consideration.

IT is not to be doubted, that they were the CONCESSIONS and COMPACTS, made by the first and confirmed by succeeding Kings, which encouraged the *Irish* to submit to the Government of *England*; and the vast Numbers of *English* Families, which We find, came, to Settle in this Country. And, as every Breach of those *Concessions* and *Compacts* and every Incroachment upon the Rights and Privileges of the People, tends to the dissolving their Allegiance, and consequently, to the breaking the Bond of civil Society; it becomes the indispensable Duty of every good *Subject*, of every *Friend* to our Establishment, with his utmost might, to oppose and prevent such fatal Breaches and Incroachments.

THAT the HIGH COURT of PARLIAMENT is the Supreme Court of Judicature, as well, as Legislature, I have, already shewn. That *ours* is as much so, in *Ireland*, as *theirs*, in *England*, incontestably, appears by a Record of the 31st of the Great King EDWARD the Third, recited by Mr. *Pryn*, against Judge *Coke*, to the following Purport: “THE KING to his Justiciaries and Chancellor of *Ireland*, *Health* &c. WE Will and Command that all Affairs concerning, or appertaining to, Us, or the said Land of *Ireland* and more especially, the great and arduous Matters of State, be hereafter treated and debated in our Councils there, by our wise *Counselors* and the *Prelates* and *Peers* with certain other wise and virtuous Men of the Neighbourhood, where the said Councils shall happen to be held; and that in PARLIAMENTS for such Purposes to be called, All such Matters shall be, by the said *Counsellors* and *Prelates* and *Peers* and others OF THE SAID LAND,

LAND, treated and orderly debated agreeable to Justice, Law, Custom and Reason, and laying aside all Fear, Favor, Hatred, or Interest shall be discussed and finally determined."

THIS *Supreme* and *final* Judicative Power is now, solely, vested in the *House of Lords*, alone; and their Judgment is said to be made in *full Parliament*.

BEFORE I procede to set forth our Right to this Court, and the Injury offered to OUR KING and Us, in the suppressing it, I must give you some Account of the Subordinate Courts of Justice, and the Office and Duty of their respective Judges, the better to enable you to watch and oppose future Incroachments, or Oppressions from that quarter, by shewing the Perfidy and Corruption of the *Barons* of the Court of *Exchequer*, in the late Reign; in a proper Light.

THE *three Estates*, with their respective Prerogatives, Powers, and Privileges being established, as in my former Addresses, recited; it next became necessary, to institute Subordinate Courts of Justice; which were done by *John*, in the 12th of his Reign.

THE next to the Court of Parliament, are those, called the *Four Courts*. Of each of these I shall give you a concise sketch, in order.

THE first is the KING'S BENCH, or Tribunal; so called, from the King's having in Person, sat in Judgment in that Court, which was at first held in the King's Hall, wherever the King resided. But, as it was found, not only, inconvenient, but inconsistent with our civil Constitution, that the Supreme Magistrate should sit, as Judge, in an inferior Court; and, more especially, where he must often be a Party; the Judgment, was solely and entirely committed to proper Judges.

THIS Court, now, consists of one Chief Judge and two, or more, puisné, or assistant Judges. The first is a *Lord*, by his Office, and is stiled THE LORD CHIEF JUSTICE of the KINGDOM. He is also, THE CHIEF CORONER. His Assistants are called *Justices*.

These Judges were formerly, commissioned, by the King, for Life. But, when that *Lieutenant* of ever odious and infamous Memory, *Poynings*, laid his infernal Scheme for overturning the Constitution of this Country, as the best Preparatory for such iniquitous Purposes, he found Means to make these and all the Judges, who by right, were, and ought to be, absolutely FREE and INDEPENDENT; *servile Creatures of the Prerogative*, absolutely dependent on the Will of the King, or *the Ministry*; and that, by an Act of Parliament! So, they have, since the 10th of Henry the Seventh; been created by the King's *Writ*, or *Patent*, during Pleasure, only.

THESE Judges are the SOVEREIGN JUSTICES of Peace, of *Oer and Terminer*, of *Goal Delivery* and of *Eyre*; as also CORONERS of the Land; and their Jurisdiction is general, over the whole Kingdom. This Court formerly, followed the King; and the Jurisdiction of all inferior Courts was suspended, in whatever County it sat. But, though the Place of its sitting is now fixed, in this City; yet, the Proceedings and Judgements therein, are said to be *before our SOVEREIGN LORD THE KING, wheresoever he may be*.

THE Power of this Court, is *Original and Ordinary*. Though the Judges be appointed, by the *Crown*; yet, is their Jurisdiction derived from the *LAW*.

THE Court of *King's Bench* was instituted, first for the Conservation of the Crown; secondly, for the Preservation of the public Peace and Tranquility, of the Realm; and thirdly, for the equal Administration of Justice and Law to all Ranks and Degrees of People, in the Kingdom. It has a Sovereign Jurisdiction of all Matters and Complaints, judicially brought before it; whether *civil*, or *Criminal*; either between the King and Subject, Subject and King, or Subject and Subject, or sojourning Foreigners. And the Justices, are to pronounce Judgement and give Remedy, as the *Common*, or *Statute Laws* direct, in all Cases, and not otherwise. Crimes against the public, though no particular Person be aggrieved, are punishable

able in this Court. And here, any private Person may have a Remedy, against any Man, who does, or offers any kind of unjust, or unlawful Violence, or Injury to his Person, or Property. This Court gives, not only, Satisfaction, or Damages to the Party offended; but inflicts exemplary Punishment on the Offender. Crimes against the first Principles of Justice and Morality are punishable in this Court, by Fine and Imprisonment. This Court may commit Criminals to whatever Goal the Justices think fit; and none other Court, or Justices may Bail, or remove such, as are, by the *King's Bench*, imprisoned; yet, Persons imprisoned by any Magistrate, or Court whatsoever, even by the *King and Council*, or by *Parliament*, if *illegally*, are *always* bailable, in this Court, and in some Cases, when the Committal is *legal*. This Court has a kind of Superintendence of all other Courts of Law, except the *Chancery* and *Exchequer*: For, it may inspect and examine and regulate the Errors, of all other Judges and Justices in their Proceedings and Judgements; reverse them and punish the Judges for Corruption, or willful Injustice. This Court has Authority to enquire how the Powers and Privileges granted by *Royal Charters*, are executed, administered, or dispensed and to punish all Offences against the true and lawful Intent and Meaning of such Charters, committed by Magistrates, Officers of Corporations, and others. Magistrates, or Officers and Freemen of Corporations, unjustly turned out, or kept out of Offices, or disfranchised, are to be restored, by this Court: And here, Persons, or Bodies Politic, usurping, misusing, or abusing any Franchises, against the Crown, or the Subjects, or any Powers, Liberties, or Privileges granted to them, are punishable, and the injured are to be redressed and justified, by Information. In some former, dark Ages, Criminals were, sometimes, proceeded against, by way of Information; but, being found inconsistent with the Principles of our Policy, in general; with the Authority and Rights of JURIES, in particular; that

anticonstitutional Course has been, long and justly, exploded: So that, now, Criminals must be proceeded against, by Indictment; and no Man's Life can be, justly, put in Peril, by a Trial, till a Bill is found against him, by the *Grand Inquest*, or Grand Jury of the County, wherein the Crime is alledged to be committed; that is, till Twelve in Twenty-three Men, all strictly Sworn to do Justice, freely and indifferently; declare the *Bill* of Indictment *true*; in other Words; that the indicted Person ought to be tried, for the alledged Crime, which is to be done, by *twelve* Sworn Men of the Criminals *Peers*, or equals, and of the *Neighbourhood*, where the Offence was committed; which is the UNALTERABLE PRIVILEGE of every Subject. Bills of Indictment, found in any other Court of the Kingdom, may be removed to, and tried in, the *King's Bench*: Whence, also, Prohibitions issue to restrain the Jurisdiction of all inferior Courts, whether *Civil*, or *Ecclesiastic*; within due Bounds.

THE *Chief* and other *Justices* of the *King's Bench*, before he or they enter upon the Office; are obliged to take the following solemn and extensive Oath.

The OATH of the JUSTICES of the KING'S BENCH.

“YOU shall swear, That well and truly you
 “shall serve our Sovereign Lord the King, and
 “his People in the Office of one of His Justices, at
 “His Pleas before Him to be holden (or of the Chief
 “Justice of His Bench) and that you shall truly and
 “justly counsell our Sovereign Lord the King in his
 “Need, you shall not give any Counsell or Assent
 “to any Thing, which might turn to hurt or dishe-
 “riting of the King by any Way or Colour; you shall
 “not know any Hurt or Disheriting of the King, but
 “that you shall make it to Him to be known by you
 “or by some other Person; you shall do equal Law
 “and Execution of Right to all the King's Subjects,
 “rich

“ rich and poor, without having Regard to any Per-
 “ son; ye shall not take by you, or by any other
 “ Person privily, nor apert, any Gift or Reward of
 “ Gold or of Silver, or any Thing which might turn
 “ to your Profit, but if it be Meat or Drink (and that
 “ of little Value) of any Man that shall have any
 “ Plea or Process hanging before you, as long as be-
 “ fore your self the Pleas and Processes shall be hang-
 “ ing, nor after for that Cause; ye shall take no
 “ Fees of any Person, as long as ye shall be Justice,
 “ but of the King; ye shall not give any Advice or
 “ Councell to any Person, great or small, in a Cause
 “ where the King is Party; and in Case any Person
 “ or Persons, of what Estate they be, come before
 “ you in your Sessions, or assist with Force and Arms,
 “ or otherwise, against the Place, or against the
 “ Form of the Statutes thereof made, to disturb the
 “ Execution of the Common Law, or for to menace
 “ the People that they may not prosecute the Law;
 “ ye shall do their Bodies to be arrested, and put
 “ them in Prison; and in Case they be such as ye
 “ may not arrest, ye shall then certifie the King or
 “ his Lieutenant, or other Chief Governor or Gover-
 “ nors of this Realm for the Time being, of their
 “ Names and of their Misdoings, diligently, to the
 “ Intent he may therefore ordain Remedy; ye shall
 “ not maintain by your self, nor by none other, pri-
 “ vily nor openly, any Plea or Quarrel, hanging in
 “ the King’s Court, or elsewhere in the County; ye
 “ shall not delay any Person common Right for the
 “ King’s Letters, or the Letters of any other Person,
 “ nor for any other Cause; and in Case any Letters
 “ come to you contrary to the Law, ye shall nothing
 “ do for such Letters, but ye thereof shall certifie the
 “ King or the Deputy, &c. and ye shall proceed to
 “ do the Law, the same Letters notwithstanding; ye
 “ shall procure the Profit of the King and his
 “ Crown, in all Things ye may reasonably do;
 “ and in Case that ye be found in Default hereafter
 “ in

“ in any of the Points aforesaid, ye shall be at the
 “ King’s Will, of Body, Lands, and of Behaviour,
 “ to do thereof that shall please the King’s Grace.

As God you help, and by the Contents of this Book.”

THE Second is the COURT of COMMON PLEAS, or the COMMON BENCH, or *Tribunal*. This Court like the first, followed the King, till the Inconveniency and Inconsistency were discovered, and redressed by MAGNA CHARTA. It is reckoned to have sprung from the Court of *King’s Bench*, to which it seems to be, as it were, *A Court of Ease*: For, it administers but a particular Branch of the Jurisdiction of that Court. The *Common Pleas* holds Pleas of all Civil Causes at Common Law, in Actions, real, personal, or mixed, between Subject and Subject, only. It consists of a chief, and two, or more, puisnè, or assistant Judges. The first is a Lord, by his Office; and is stiled, THE LORD CHIEF JUSTICE of the Court of COMMON PLEAS, and the others are called, the *Justices* thereof. They are severally obliged to take the same Oath, with the Justices of the *King’s Bench*.

THE Third, is the EXCHEQUER, or *Treasury* Court. This, as well, as the Court of *Common Pleas*, is said to have sprung from the *King’s Bench*. It is said, there was no such Court in *England*, before the Reign of *William* the First, who erected it upon the Plan of the *Norman Exchequer*. Like the preceding Courts, this, formerly, followed the King’s Person; but now, it can, like them, be only, held in one stated Place. Under the Denomination, of *Exchequer*, there are several different Courts, but according to the usual Division, for the Dispatch of the ordinary Business, the *Exchequer* consists of two Parts; the one, specially relating to the Judgment of all Causes pertaining to the King’s Coffers, and the other to the Receipt of the *Exchequer*, or *Treasury*. This Court was, principally, instituted for the hearing and determining all Causes, touching the Estate and Revenues of the Crown. But it has been, since, made the Repository of the public

public Treasures of the Kingdom ; and its Judges may, not improperly be deemed, not only *the Guardians* of the Revenues of the Crown, but also, the *Keepers* of the national Treasures, and the *Auditors* of the Accounts and Revenues of the Kingdom : For, all Sheriffs, Bailiffs, and other Officers, employed in collecting, or receiving the public Revenues of the Realm, are answerable to account in this Court ; into which, also, all Fines and Amerciaments, in general, are payable. The judicial Part of the *Exchequer* is a Court of Equity and Law. The Judges of this Court consist of a CHANCELLOR, a TREASURER, a LORD CHIEF BARON, who is a Lord by his Office ; and two, or more, *puisnè Barons*, or assistant Judges. Before these, the Equity Court is to be held ; but the Law Court, before the *Lord Chief Baron* and the *other Barons*, only.

IN strict Propriety, no Suit, in Equity, or Law, should come before this Court, but such, as some Way, or other, relate to the *Exchequer*, or Treasury ; but, by admitting a modern Fiction in Law, that every Suiter is the King's Debtor, Tenant, or Farmer ; this Court takes Cognisance of, and has actually ingrossed, the proper Business of the other Courts.

THESE Judges are, as strictly, bound by Oaths, as the others. As you may see by the following :

The OATH of the CHANCELLOR of the EXCHEQUER.

“ **Y**OU shall swear, That you shall truly and
 “ faithfully serve our Sovereign Lord the
 “ King's Majesty, in the Office of Chancellor of his
 “ Highness Court of *Exchequer*, rightly shall you do
 “ unto all Persons, as well unto the Poor as to the
 “ Rich, and that neither for Highness of Riches nor
 “ State, nor for the Estate of any Person, nor for
 “ Gift, Benefit, nor Promise that shall be made unto
 “ you, you shall not lett nor delay the Right of any
 “ Man that shall have to do before you, by Vertue
 “ of your said Office ; The King's Seal of this Court
 “ incident

“ incident to your said Office, you shall carefully and
 “ safely keep, and no Proceſs-Writs or other Things
 “ ſhall you therewith ſeal, but ſuch as ſhall be war-
 “ ranted by Order, Judgment and Direction of the
 “ Court, Lord Treasuſer or Chief Baron, or in his
 “ Abſence, of ſome other Baron of this Court, ex-
 “ cept Original Proceſs; The King's Cauſes you
 “ ſhall, before any other, and where you ſhall un-
 “ derſtand Wrong or Prejudice to be done to the
 “ King, you ſhall put all your Power and Diligence
 “ to redreſs it, and where you may not, you ſhall
 “ tell it to the Lord Treasuſer, or to the King's Ma-
 “ jeſty's Deputy of this Realm for the Time being,
 “ The King's Councell in all Things appertaining to
 “ your ſaid Office, you ſhall ſurely keep, and rightly
 “ and duly you ſhall do in all Things that belongeth
 “ to you, to do by Vertue of your ſaid Office.

So help you God, in Jeſus Chriſt.”

The OATH of the TREASURER:

“ **Y**OU ſhall ſwear, That well and truly you
 “ ſhall ſerve our Sovereign Lord the King, and
 “ his People, in the Office of Treasuſer, and you
 “ ſhall do Right to all Manner of People, poor and
 “ rich; of ſuch Things as toucheth your Office, and
 “ the King's Treasuſer, truly you ſhall keep and di-
 “ ſpend; and truly you ſhall counſel the King, and
 “ his Counſel you ſhall layne and keep; and that you
 “ ſhall neither know nor ſuffer the King's Hurt, nor
 “ his Diſinheriting, nor that the Rights of the Crown
 “ be decreaſed by any Means, as farforth as you may
 “ lett it; and if you may not lett it, you ſhall make
 “ Knowledge thereof clearly and expreſly to the King;
 “ with your true Advice and Counſel; and you ſhall
 “ do and purchaſe the King's Profit, in all that you
 “ may reaſonably do:

As God you help, and by the Contents of this Book.”

The

The OATH of the BARONS of the EXCHEQUER.

“ **Y**E shall swear, That well and truly ye shall
 “ serve the King in the Office of Baron of his
 “ *Exchequer*, and that truly ye shall charge and dis-
 “ charge all Manner of People, as well the Poor as
 “ the Rich ; and that for Highness nor for Riches,
 “ nor for Hatred, nor for the Estate of any Manner
 “ of Person or Persons, nor for any Good, Deed,
 “ Gift, ne Promise of any Person, the which is made
 “ to you, or may be made to you, nor by Craft, nor
 “ by Engine, you shall Lett the King’s Right, nor
 “ none other Persons Right ye shall disturb, lett, nor
 “ respite against the Laws of the Land, nor the King’s
 “ Debts ye shall put in respite, where that they may
 “ goodly be levied, and that the King’s Needs ye
 “ shall speed before all other ; and that for Gift,
 “ Wages, nor good Deed, ye shall layne, disturb,
 “ nor lett the Profit and reasonable Advantage of the
 “ King, in the Advantage of any other Person, nor
 “ of your self, and that nothing ye shall take of any
 “ Person for to do Wrong or Right, to delay, or for
 “ to deliver, or to delay the People which that have
 “ to do afore you, but as hastily as ye may, them
 “ goodly to deliver, without Hurt of the King ;
 “ and having no Regard to any Profit that might
 “ thereof to you be therein, ye shall make to be de-
 “ livered : And whereas, ye may know any Wrong
 “ or Prejudice to be done to the King, ye shall put
 “ and do all to your Power and Diligence, that to re-
 “ dress ; and if ye may not do it, ye shall tell it to
 “ the King, to the King’s Majesty’s Lieutenant, &c.
 “ or other Chief Governor or Governors of the Realm
 “ for the Time being, or to them of his Councell,
 “ which may make Relation to the King, if ye may
 “ not come to him, and the King’s Councell, ye
 “ shall keep and layne in all Things.

As God you help, and by the Contents of this Book.”

THE Fourth, in Order of Institution, here, though the First in Dignity and Power of Office, is, THE HIGH COURT of CHANCERY, whose Judge, is, a *Lord*, in Right of his Office, and is stiled, THE LORD HIGH CHANCELLOR of *Ireland*; the first and greatest Officer under the Crown, when there is not a *Lord High Steward*, which is an Officer, occasionally created, to try a *Peer*, for a capital Crime, in full Parliament.

IN the Court of *Chancery*, which is stiled, *The Office of Justice*, the GREAT SEAL of the Kingdom, called, by some, *The Key of the Realm*, is to be kept; under which all *Commissions*, giving to all Justices, Ministers, Agents, and Officers of the State, Power, and Authority to act; all *public Grants*, from the Crown to the Subject; all *original Processes* of Law, on Complaints of Wrongs, or Demands of Right; all *Writs* to call, or summon Parliaments, as from one *common, constant FOUNTAIN of Justice and Right*, in the King's Name, do issue, pass, and procede.

THE Jurisdiction of this Court, which is the highest and most extensive of any, under the Parliament, is of two Kinds; the one, *ordinary*, or *legal*, where the Proceedings and Judgments are made, by the Rules and Modes of Common Law; and the other, *extraordinary* or *absolute*; that is; bounded by no Form of human Law; as in *Equity*, where all Proceedings and Decrees are made, as THE GREAT, UNERRING LAW OF NATURE, or *Reason* and *good Conscience*, alone directs.

THIS Court is always open, whereas the others are confined to certain Terms. All Infants, Ideots, and Lunatics, are under the immediate Ward or Protection of this Court. It is calculated to supply Defects and to moderate the Rigor of the written Laws, in extraordinary Emergencies: For, here, all Persons suffering Wrong, or Oppression, under the Strictness of the Laws, have immediate Ease and Redress; for which Purpose, the *Intention*, not the *Letter of Laws, Grants,*

Grants, Deeds, Wills, &c. is to be construed and adjudged, by the Rules of Equity and right Reason.

THE LORD CHANCELLOR is looked upon, as the Keeper of the King's *political* Conscience. He has Power and Authority to hear and examine all Questions about Grants from the Crown, touching their Legality, Equity, and Expedience. And if any Grant, Patent or Commission, in any wise illegal, or unjust, should be demanded, or, through Misrepresentation, or Inadvertency, Irregularity, or Surprise, should happen, at any time, to pass the Great Seal, the *Lord Chancellor* may revoke, repeal, or *cancel* it.

THIS great Officer is bound by the Oath following:

The OATH of the LORD HIGH CHANCELLOR.

“ **Y**OU shall swear, That well and truly you
 “ shall serve our Sovereign Lord the King,
 “ and his People, in the Office of Chancellor of his
 “ Highness Realm of *Ireland*; and you shall do
 “ Right to all Manner of People, poor and rich, af-
 “ ter the Laws and Usages of this Realm; and truly
 “ you shall counsel the King, and his Counsel you
 “ shall layne and keep; and you shall not know nor
 “ suffer the Hurt nor Disinheriting of the King, or
 “ that the Rights of the Crown be decreased by any
 “ Mean, as farforth as you may lett it; and if you
 “ may not lett it, you shall make it clearly and ex-
 “ pressly to be known to the King, with your true
 “ Advice and Counsel; and that you shall do and
 “ purchase the King's Profit in all that you reason-
 “ ably may :

As God you help, and by the Contents of this Book.”

To these Courts, the King has committed all his judicial Power, and all these Courts are, now established in this City. Every Court is to be held open to the Public, that all Ranks and Classes of Men, may have free and easy Access to them, upon all Occasions.

ALL

ALL the Judges of these Courts are, by their *Oaths*, obliged to receive, hear, and determine, all Informations, Complaints, Prosecutions, and Suits, in Law, or Equity, though from the meanest, against the highest Persons in the State; proceeding in all Cases by the Rules of Law and Equity, where Facts are found, or ascertained by Juries, or admitted, or confessed by the Parties; and not otherwise: Ever remembering, that the Rights and Properties of the Crown, to Lands, Goods, or Revenues, are to be levelled, tried, and adjudged, by the same Principles and Rules of Law, Justice, and Equity, and by the same Juries, as those of the Subjects.

THERE is no Excellency, in the Frame of our Policy, more remarkable, than the great Wisdom and Caution of our great Ancestors, in the original Institution of Judges: For, as these Officers must be the Representatives of the King, and intrusted with the fulfilling or keeping, his *Coronation Oath* to his People, and his *political Conscience*; it was just, the Crown should have the Appointment of them. But, as this Appointment might create some Degree of Dependence, it was just to bind them by such solemn Oaths. To act contrary to these sacred Obligations, no Power can be supposed, so strong, or so wicked, as to be able to control, or impell the *Judges*. And, at the same time, in Behalf of the People, to ballance the Power of the *Judges*, by the Authority of JURIES, who are the sole proper and lawful Judges of *Facts*, as the *Justices*, *Barons*, and *Chancellor*, are, generally, of Laws and Equity.

THERE is some Degree of absolute Power, necessarily, incident to every Court; such as to enjoyn Silence, and to preserve Decency and Order, and due Respect to the Office and Dignity of the Judge, in the Officers of the Court, Suiters, and others; and to punish Delinquents, in these Instances, by Fine, or Imprisonment.

BUT this, though a *Discretionary*, Power of the Judges, is, in no Instance, *arbitrary*: For, they are,
in

in all Cases and Circumstances, to square their Actions, by the *known written Laws*, or on the unalterable and unerring Rules of *Justice* and *Equity*, without any Regard to their own Will, or that of the Prince.

THE Law is so tender of Judges, as to subject them to no Penalty, for such false Judgments, as appear to be *simple Errors* in Judgment. But, for *Delay*, or *Denial* of Justice, or Law, or, for the administering them, *partially*, from *mercenary*, or *corrupt* Views; they are answerable to the King and the Parliament.

WHOEVER takes the Trouble of considering, what has been before asserted, with Relation to our Constitution, must see, That the King of *England*, or *Great-Britain*, is also King of *Ireland*; and has as extensive Power, Prerogative, Pre-eminence, and Authority Royal, in this Kingdom, as in the other; That the *great*, and *subordinate Courts* are established upon the same Principles and Foundations, here, as in *Great-Britain*; And, consequently, that the *People* of this Realm, cannot be made *subject* to any *Legislature*, or *Jurisdiction*, but that of THIS KINGDOM, without robbing the King of the most valuable Jewel of his Crown, the principal Part of his Prerogative; the undoubted Right and Power of making, or assenting to, Laws, in Conjunction with his Parliament of *Ireland*, and of judging, and finally, determining all Matters, relating to this Kingdom, before his Majesty, in the Courts established within the Realm; which, in any private Subject, would be justly, construed, *High Treason*: And without *invading* the *inviolable* and most *valuable Privileges* of the *Subjects* of this Kingdom, the very FUNDAMENTAL ESSENTIALS of *their Policy*.

THIS makes it the invariable and indispensable Duty of every good Subject, those, particularly, who hold any Offices in the State, the *Judges*, more especially, to remonstrate to HIS MAJESTY, against such destructive Invasions, on the Rights and Prerogatives of his Crown, and the Privileges and Liberties of his *Parliament* and *People*. What may we then judge of

those, who, most falsely and absurdly, presume to say, that, This is but a *dependent* and *subordinate* Kingdom, and declare, that the *King* cannot determine Controversies, or Suits between his *Irish* Subjects, within his Kingdom of *Ireland*, wholly, relating to the same, by his *Royal Authority*, in his Courts of Justice, or in his HIGH COURT of PARLIAMENT, established therein? Or, that *his Majesty's* Subjects of *Ireland*, appealing to his *Majesty*, in his *Irish Parliament*, in Matters, *solely relating to this Kingdom*, do bring their Causes before an incompetent Judicature? Let those, who think the Appellation, of *Traitors* and *Rebels*, too hard for such Men, find more adequate Expressions. I am not conversant enough in *Court Language* to know a better.

LET any judicious and impartial Man, but carefully examine the Grounds, or Causes of such *Appeals*, or Removals of Causes, as have been made from this Kingdom into *England*, and it will, I am persuaded, appear, that such Usages, like most Incroachments and Innovations; have been introduced by slow and imperceptible Degrees.

THE first established Judges here, being to determine all Causes, that came before them, by the common Laws of *England*; as Printing was not, then known, they must have had Recourse to *England* to know, for certain, the Laws and Usages there. To whom should they, then, have applied to for this Information? To their King undoubtedly. And, accordingly, we find, that Declaration of the common Law of *England*, exemplified, or made at *Westminster*, the Fourteenth of *Henry* the Third, called, THE STATUTE OF IRELAND; in all Probability, framed by the Advice of the Justices of the *King's Bench*, who then were obliged to follow and attend the King's Person, wheresoever he resided. It is easy, then, to conceive how this Appeal, made, first, to the King, laid a Foundation for the consequent Appeals to the *King's Bench*: For, in Process of Time, when the Place of Session of the Court was fixed, and the King had for-
born

born to sit there, in Person, as formerly; the Application which was, before, made to the King, who presided in that Court, afterwards, came of Course, like Writs returnable *before the King wheresoever he may be*; to be brought before the Justices of the Court of *King's Bench*, although the King was not there, personally, present. And this, undoubtedly, gave Rise to the Custom of removing Causes, by *Writs of Error*, from the *King's Bench* in *Ireland*, to the *King's Bench* in *England*. But, hence, to infer, that Appeals from the Parliament of *Ireland* may be brought before the Parliament of *England*, or *Great Britain*, requires a Pitch of political Sophistry, beyond my Conception.

THEN, as for the modern Practice of appealing from the High Court of *Chancery*, in *Ireland*, to the *British House* of *Peers*, there appear but two Precedents of such anti-constitutional Practices, before the late Revolution; the one, in the Year, 1670, and the other, in 1679. And these injurious Attempts cannot be otherwise accounted for, than that they were made at Junctures, when no Opposition could have been given them, from this Kingdom: Because, through the Prevalency of *foreign Powers*, and the Interest of *Papists*, with the, then, King and Ministry; no Parliament had been held for some Years before, nor were we, then, in any Likelihood of having a Parliament called, for many Years to come; the then, required *Subsidies*, which were all that that Court wanted, or regarded this Kingdom for; being then, granted, by a packed or corrupt Parliament, in Perpetuity. Nor can a single Instance of any like subsequent Appeals from that Court to the *British Peers*, be shewn, made upon any other Foundation, than these two insignificant, and shameful Precedents.

BUT such Appeals, had they been of longer Standing and firmer Foundation, yet, were they never, till the late Reign, supposed to preclude the King's *most sacred Right and Prerogative* of giving Redress to his Subjects of *Ireland*, in his Parliament assembled here;

any more, than *Writs of Error* to the *King's Bench* in *England*, had hindered the like *Writs* being returnable, in the Parliament, here.

FOR, we find, that when the Constitution was restored, by the late happy Revolution, this Kingdom had its Parliament, after an Intermission of about twenty-six Years, called; wherein *Complaints* were heard, *Writs of Error* and *Appeals* were received, and proper Orders were made thereupon, as formerly had been, by Law and Right, accustomed. Nor was the Legality, or Validity of the Authority and Jurisdiction of our Parliament, ever doubted, or questioned, before the Year, 1699; when two Appeals from our Parliament were brought before the *British Peers*, though no Pleadings to the Jurisdiction of the Parliament of *Ireland* had been offered, or mentioned, by either Party, on hearing the said Causes, here.

AND, though the Parliament of *Ireland*, could not then interpose, or any ways assert its Jurisdiction; because, it was not, then, sitting; yet, the *Lords of England* declared, the said Causes to be *Coram non JUDGE*; that is; before an incompetent Judicature; and without hearing the Merits of the Causes, *arbitrarily*, reversed the Decrees, that had been made, here.

IF we are to judge of the Decrees of the *British Peers*, by this *Specimen* of their *Justice* and *Equity*, what are we to think of this extraordinary Proceeding? Either they did, or they did not, know the Constitution of *Ireland*: If they had known it, they must have seen, That the *Irish* Constitution is, lawfully and justly, the same with the *English*, to all Intents and Purposes, and had, then, been so, for some Centuries; that the Parliament of *Ireland* consisted of *Lords* and *Commons*, created and elected, and who sat in different Houses, as in *England*; were convened, by the same Authority, and the like Form of *Writs* of Summons; that the *House of Peers* of *Ireland*, had the same Attendance and Assistance given them, by the *Judges* of the several Courts, *Doctors of Law*, or
Masters

Masters in Chancery, as in *England*. And hence it must have appeared, that whatever Power, or Authority of Judicature, was vested in the Parliament of *England*, with respect to that Kingdom and its inferior Courts; the same must also have been lodged in the Parliament of *Ireland*, with Respect to this Kingdom, and the inferior Courts thereof; and of Consequence, then, this Judgment of the *British Peers* was illegal, arbitrary and iniquitous. But, if they did not know this, great Truth, they could, in no Sense, be, as, in Fact, they were not; Judges: Therefore, their Decree is, at best, but a random Shot; their Judgment is, in either Case, alike unjust, for their Ignorance can plead no Excuse for their Iniquity; No Men, however authorised, or dignified by Law, can be competent Judges, in any Cause, till they know the Extent of the Law and the true State of Facts; which plainly turns the Tables upon the *British Peers*: For, this and every such like Cause, that ever was, or will be brought before them from, *Ireland*, must, certainly, be *Coram non Judice*.

If, then, the Judicature of the Parliament of *Ireland*, be, with Regard to this Kingdom and our Courts; as powerful and as extensive, as that of *England*, with Respect to theirs which no free and dispassionate Man can deny; It must be as illegal for any Court in this Kingdom, to act in Opposition to, or in Disregard, or Contempt of the Orders, or Decrees of the *Lords of Ireland*, in Parliament, here, assembled; as the like Opposition, Disregard, or Contempt to the *British Peers*, could be construed, in *Great-Britain*.

THIS was, once, so well known to our Parliament, to our Judges and other Ministers, even, so late, as the Year 1703, that, upon a Complaint of the, then, Earl and Countess of *Meath*, to Parliament; setting forth, "That during the Inter-Session of Parliament, they had, by Order of the *Lords of England*, been dispossessed of Lands, that had been here, decreed them." That BRAVE, that GLORIOUS PARLIAMENT so vigorously, so greatly asserted the Right and Prerogative

of the Crown, the Power, Jurisdiction and Privilege of Parliament, and the Rights and Liberties of the Subject, that they brought the *Appellants to a foreign Judicature*, to a proper Sense of their Error, and restored the *Complainants* to the Possession of the Lands, of which they had been dispossessed, so effectually, that they have, thence, continued in that Patriot Family, to this Day.

FROM this it appears what our Parliament may do, when properly supported, by the King and People. But, as no Part of the Constitution, or *Body Politic*, can stand alone; so, when the *Crown* withdrew its Influence and Protection, the *Judges* and other Officers of the State forgot, or neglected their Duty; the *People* saw the Parliament unable to protect their Property, and of Course, its Power and Authority must have fallen. Fatal Circumstances for any Nation!

BUT, as no Evil has proved more dangerous and destructive of the Government of these Nations, than the Ignorance, or Corruption of the *Judges*, I think it necessary to point out, of many, one remarkable Instance of the Perfidy of these Officers, which occasioned no less, than the *stripping* our Parliament of its Judicature.

AFTER the Time of the Appeals abovementioned, several *Writs of Error* and *Appeals* were brought into the Parliament of this Kingdom. And, among them, an Appeal, wherein *Maurice Annesley, Esq;* was *Respondent*; which were determined, and the Judgment and Orders given upon them accordingly took Effect. But, this *Annesley*, being *Respondent* in an *Appeal*, brought from the *Chancery* of the *Exchequer*, about the Year 1717, before the Parliament, by *Esther Sherlock, Appellant*; after having appeared to the Jurisdiction here, appealed to the *Lords of Great-Britain*, from a Decree made here, in justice to the *Appellant*. And, it being for some Time a Rule there, to oppose and oppress the *Irish* Parliament, and to encourage such Appeals, in order to compleat our Dependence on, and Subservience to, *England*; *Annesley* was so far countenanced

tenanced there, as to gain *his* and *their* End, regardless of the King's Prerogative, the Power, Dignity and Privilege of our Parliament, and the sacred Rights of the People of this Realm !

FOR, it having been decreed, on the 3d of *October*, 1717, after a full and fair Hearing in Parliament, and ordered, that *Sherlock* should be put into Possession of certain Lands, till she should be paid the Sum of 1507 *l.* 14 *s.* 8 $\frac{1}{4}$ *d.* decreed to be due and chargeable on the said Lands ; and the said Order being, accordingly, executed by the High Sheriff of the County of *Kildare*, who actually put *Sherlock* into Possession of the said Lands, in which she continued near two Years ; The chief and other *Barons* of the *Exchequer*, took upon them, in a most unprecedented Manner, and in direct Violation of their Oaths, and the Laws of their, or *this* Country, to dispossess *Sherlock* ; and, to compell that Pattern of good Sheriffs, that true Friend to his King and Country, *Alexander Burrows* Esq; High Sheriff of that County, in the Year 1718, to execute their illegal Decrees, or extrajudicial Commands ; imposed several weighty and oppressive Fines on him. And all this, though their Orders were manifestly contrary to the Laws, Customs and antient Usages of this Kingdom ; to the Resolutions and Orders of the *House of Peers*, in the Case of the Earl and Countess of *Meath*, above recited ; as well, as to the Resolutions and Orders of the *Lords* in this Cause ; of which the *Barons* had sufficient and timely Notice, before the issuing their presumptuous and illicit Orders.

BUT the Manner in which these pliant, servile Judges proceeded, shews whence they had their Instructions, and expected the Support, or rather the Reward, the afterwards obtained, for this their matchless, audacious Iniquity.

THOUGH Appeals from the Courts of Equity in this Kingdom, to the *British* Peers, be but a very modern Contrivance and Practice ; yet, has it been the established Course of Proceeding in all such Cases,

that no Copy of any Order of the *British Lords*, was ever allowed, or demanded to be allowed, in any Court, as legal, or authentic; unless such Order was expressly directed to such Court, as was to put the same in Execution, and proved, by the *Affidavit* of a Witness, *Vivâ Voce*; to be a true Copy of the Original Order. And, though it has never been known, that any Court claimed, or pretended to, any Authority to supply Defects, supposed, at any time, to be in such Orders; or, by Virtue of such Order, in the least, to go beyond what such Order in express Words contained; yet, notwithstanding, these *ministerial Judges*, having no better a Foundation to ground their illegal Proceedings upon, than certain Copies of Orders, or pretended Orders from the *Lords of Great Britain*, which were not directed to the *Judges of the Chancery of the Exchequer*, were the Cause originally commenced, and from whence the Appeal was brought; but only to the *Barons of the Exchequer*, the judges of the *plea*, or common Law Side of that Court; and which were, in no Sort, proved to be true Copies; nor contained, so much, as the Names of any Lands, or, even, of any County; I say, notwithstanding all these notorious and insurmountable Defects and manifest Nullities, in these presumptive, or pretended Orders, the said *Barons* proceeded, not only, in their own Names, to whom, the said pretended Orders were directed, but, also, in the Name of the *Chancellor and Treasurer of the Court of Exchequer*, who were not so much, as mentioned in the said Orders; to issue forth several Injunctions and Orders, and therein, without any Warrant from Law, Equity, or Truth, to insert the Denominations of Land and the Name of the County, in which they were supposed to lye, in order to dispossess Mrs. *Sherlock*, and render the above Order of our *House of Peers* of none Effect.

AND, as a farther Demonstration of the arbitrary and corrupt Proceedings of these *abandoned Creatures*, the then, *Barons of the Exchequer*; though it is
among

among other Rules of Practice, in all the Courts of Justice, throughout this Kingdom, by antient Law and Custom established; that every *Order*, or *Rule of Court*, should be made upon the Motion of some *Counsel*, or *Attorney*; that no *Injunction*, or *Writ* should *Issue* out of any Court, except in Causes relating to the Crown; without the Name of a *Six Clerk*, or *Attorney* thereunto subscribed, who is accountable to every Person, who, through any unjust Practice of his; may be injured, by such *Injunction*, or *Writ*; and, that no Proceedings are to be founded upon any written *Affidavit*, which is known to be either false, or defective, in any material Point; yet, in open Violation of these just and necessary Rules, these *Barons* ordered an *Injunction* to issue for the dispossessing *Sherlock*, without any Motion made by either *Counsel*, or *Attorney*, or any other Person, except the *Arbitrary Dictates* of the *Chief Baron*; the said *Injunction* having no *Attorney's* Name thereunto subscribed, and the *Affidavit* upon which the *Barons* afterwards proceeded to Fine the HONEST HIGH SHERIFF, having several notorious Falsities in it, of which, though the *Barons* were publicly advertised, at the reading the said *Affidavit*, in open Court; yet, did they take upon them to procede thereupon, without causing it to be rectified, or the manifest falsities expunged, or altered.

AND, although the abovementioned, presumptive Orders from the *British Peers* expressly required no more, than that *Maurice Annesley* should be restored to the Possession of those Lands, of which he had, by Order of *our Peers*, been dispossessed; and that only *pending the Appeal* before the *British Peers*; yet, the *Obsequious Barons*, ever ready for *ministerial Works of Supererogation*; did, in their *Injunction*; not only, order possession of certain Lands, by Name, not mentioned in the *British Order*; to be given to *Annesley*, as before mentioned; but also, grounded their iniquitous *Injunction* upon an *Affidavit*, wherein it is not so much as alledged, that *Maurice Annesley* was ever possessed,

possessed, or dispossessed of any Lands whatsoever pending the Appeal, in *England*.

Now, patient Reader, look back to the solemn Oath of the *Barons* of the *Exchequer*; and see how little it was regarded, in this remarkable Instance! Or rather see, with how much Affiduity, blind Zeal and precipitate Fury, they broke their Oaths! Setting themselves up in direct Opposition to their Allegiance and Duty; for, instead of *informing the Government, and Council*, or otherwise, doing *their Diligence to prevent, or Redress the Wrongs and Injuries* offered the greatest and most valuable part of the *King's Prerogative*, as well, as to the highest and best *Privilege of Parliament* and the most important *Rights* of the *People*; they, evidently, laid themselves out for overturning the Constitution of this Country, by establishing a Jurisdiction superior to that, which is inherent to the *Crown*, in FULL PARLIAMENT, in this Kingdom.

LET us, now, but dispassionately consider, what Consequences may be dreaded from these exorbitant Proceedings. *England* has had a fatal Instance of the Effects of these kinds of Oppression.—By the Accession of *William* the First to the *English* Throne, the hereditary Provinces of *Normandy, Poictou, Anjou* and *Guyenne* became annexed to the Crown of *England*. All the Subjects there, held their Lands by *military, or vi lain Tenures*. Yet, notwithstanding, as soon as the *English* took upon them to govern these *poor Vassals*, by *English*, though they were half *Norman*, Laws; or to try their Properties, or to set up a Jurisdiction in *England*, superior to that of their own Country, as we find, by the History of the Common Law; was the Case in *John's* Reign; the People contracted an incurable Aversion to the *English* Government and Nation; and, as Men under Oppression, reduced to Desperation must ever do; they lay in wait for the first favorable Opportunity of freeing themselves from such an insufferable Bondage. Hence it was, that though this wretched People were absolutely bound

bound to follow their Sovereign to the Wars; and to fight his Battles; which they did, while they were governed by their own Laws and within the Jurisdiction of the State; yet, when they found themselves thus unlawfully oppressed, they dissolved their Allegiance and let their Prince fight his Battles against *France*, with *English Mercenaries*, only; which made them, then, a Burthen to *England*, not worth the bearing; and being so judged, they were suffered to fall into the Hands of the *French*. But, it is most remarkable, that upon the Surrender of the principal Towns in these Provinces, to *France*, the Inhabitants provided, by express Articles, in their Capitulations; that they should upon no Emergency whatsoever, be, ever after, delivered back, into the Hands of the *English*. Would not *Hanover*, at this Day, do the same, had she the like Provocation? And, can it be supposed, that such a Yoke can sit easy on the Necks of *Free Men*, whose Veins glow with *British* Blood and Spirits? But, to come closer to the Purpose.

It is the *distinguishing Right*, the *peculiar Happiness* of the Subjects of *Ireland*, as well, as of *Great Britain*, that by their respective Constitutions, the Administration of Justice and Law is near at hand, and within the Kingdom, to which they belong. So, that if any of his Majesty's liege Subjects be, at any time, wronged, or oppressed, by ignorant, or corrupt Determinations, in any of the Courts of Law, or Equity, in either Kingdom; they may, without any great Trouble, or Expence; have recourse to his Majesty, in his MOST HIGH COURT of PARLIAMENT, where they may hope for speedy and effectual Redress. But, if his Majesty be deprived of this high Prerogative, the Kingdom must, in time, become mean and despicable in Estimation, to the Crown. And, if the Parliament be deprived of this most invaluable Privilege, who will attend, or submit to be a Member of that Court? Then, if the Subjects are stripped of the principal Security of their Rights, and Properties, what must be the Consequence? Nothing more evident,

dent, than, that all such, as do not abound in Wealth and Leisure to enable them to follow their Causes into *Great Britain*, will be reduced to the perpetual Necessity of sitting down content with the greatest Wrongs, or Oppressions, which, at any time, under the specious Color of Justice, or by the Management of rich and potent Adversaries; may be imposed. Which, considering the extreme Poverty, that generally prevails, in this Kingdom; from the withholding from Us, already, the Benefits of Nature, by obstructing our Trade and Commerce; must, if not timely prevented; prove the inevitable Destruction of this Nation.

THE Great King EDWARD the Third was so sensible of the Hardships and Difficulties, to which a State must be reduced, which has not a Supreme Jurisdiction within itself; whereby erroneous Judgments may be corrected, or reversed; that, upon finding this Defect in the Constitution of this Kingdom of *Ireland*, upon the Complaint of his *Irish* Subjects; he expressly provided for such Emergency, by a Special Charter, the Twenty-ninth Year of his Reign; "Whereby he Commands all his Judges and Ministers before whom any Processes shall be held, at the Prosecution of the Parties aggrieved, to return the *Rolls* of the *Records* and *Processes*, into the PARLIAMENTS, to be held in the Kingdom of *Ireland*; and that the *Records* and *Processes* shall be diligently recited and examined, and such Errors as may be found in them, duly corrected: And that full and speedy Justice be done unto all Parties complaining according to the Tenor of this Charter, any former Charter, or Mandate to the contrary notwithstanding."

By the later part of this Record, it seems, that the original Power of Parliaments, as established by *Henry* the Second, in this Kingdom, had been by some *arbitrary Mandate*, restrained. But it is hence plain, that such *Mandates* were hereby revoked and Parliaments restored to their full Power and Authority.

By

By the *British* Parliament's consenting to annex this Kingdom to the Crown of *Great Britain*, it is plain, that they, thereby, became *Guarantees* to the established Constitution of *Ireland*, in the most firm and solemn Manner imaginable. Therefore, it is almost as much incumbent on them to assert and protect our Constitution, as their own. But, instead of doing this, if all Judgments, Decrees and Determinations made in our Parliament, be subject to be annulled, or reversed by the Lords of *Great Britain*, the Rights and Properties of the Subjects of *Ireland*, are, by our *Brethren* and *Protectors*, treacherously invaded; and rendered finally, absolutely dependent on the *British Peers*, to the great Diminution of that Dependence which, by Law, We are to have, immediately, upon our King and Legislature; and without which our Government can not be said to subsist.

By the Principles of the Constitution, as well of *Ireland*, as *England*, Juries, that are to try Matters of the smallest Property, as well, as of Crimes; must be called out of the *Vicinity*, where that Property lies, or Crime is committed. None others being, by our Law, deemed competent Judges of such Matters. How effectually is this inherent Principle of our Policy overturned, by the modern Practice of the *British Peers*? Hence, it is, that Just and Unjust Causes have met and are likely to meet, equal Encouragement and Dicision: For, however rightly such Causes may be determined in our Parliament, where the Members may be supposed, partly, knowing in the Facts, and where all kinds of Evidence may be readily obtained; We have little or no room to hope for Justice in *England*; where, without ever looking into the Merits of the Cause, they have often reversed, or annulled Decrees, made in our Parliament, upon no better a Pretence, than, that the Proceedings were *Coram non Judice*.

THE Form of creating Lords and the Writs, for summoning the Lords Spiritual and Temporal, and for electing the Commons to assemble in Parliament here, being exactly the same, with those of *England*,
either

either the respective Powers and Privileges, in each Kingdom, must still be the same, or, else, the *Peerage of Ireland* must remain no better than an empty Title; and the Commons must be reduced to Cyphers, by being stripped of their most considerable Power of impeaching high Malefactors in Parliament which can not, possibly, be maintained, if there be no Parliamentary Judicature within this Kingdom. And if the Judicative Power of our Parliament may be taken away by an *English Act of Parliament*, or a Vote of the *British Peers*, What Assurance can we have of Life, Liberty, or Property, or of any of the Benefits of our Constitution? But these modern Claims of the *British* Parliament, or Peers are all wild Extravagancies, that want only to be stated in a proper Light, by proper Persons, to procure their entire Abolition: For, it is notorious, that the *British Peers* have not, in themselves, any Means, either by Law, or Custom, of putting their Decrees in Execution, in this Kingdom. Of this their Lordships were conscious, and gave public undoubted Evidence, by their Application to his late Majesty, as King of *Ireland*, no doubt; to cause their Decrees to be, here, executed, by an extraordinary Interposition of his Regal Power; to which unjust and unlawful Demand, his Majesty could not submit, without committing a Breach of his Regal Duty, in exposing the Rights and Liberties of his best Subjects to be sacrificed to the exorbitant Pride and vain Ambition of his *British* Peers, or *Ministry*.

THE Measures, by which this shameful Usurpation was set up and established, should be sufficient to make Men of Sense and Virtue relinquish all Claims to such unjust and illicit Power. The Clue to the infernal Labyrinth was discovered by our *Peers*, in Year 1719: For, *Prat*, who was, then, Deputy Receiver, or Treasurer here, in order to prevent Mrs. *Sherlock's* making further Application to our Parliament, gave her 1860 *l.* as he pretended out of his own private Fortune, but with such Views to the *publick Good*, that he was persuaded the *King*, or the *Government*

Government would not permit him to be a Sufferer, There is, indeed, no room to doubt of this *honest, public* Officer's Persuasion's being well founded. But, if the Hopes and Assurances of Men, thus laying out Money for the Destruction of our Constitution, be daily, frequently fulfilled, let any rational Man judge, what evil Consequences are not to be dreaded!

I NEED not further remonstrate to You, what a Shock these Proceedings have already given our whole Frame of Government. How they have embarrassed our Parliaments, and distressed and disquieted the generality of the most loyal Protestant Subjects of this Kingdom, particularly, *Sheriffs* and other Officers of Justice, who were reduced to great Streights and Difficulties, by the inconsistency of being subject to two different Legislatures, and by the clashing of different Jurisdictions. But, what affords Us one of the most melancholly Observations, is, that while many Lords and Commons of the *Popish Religion*, sat in Parliament, their Judicature was never questioned. But, with Horror I tell it! After the Protestants of *Ireland*, who alone, are now, allowed a share in the Legislature; had, beyond all Doubt, proved themselves the most loving, faithful and loyal Subjects; nay, when, even, the *Irish Papists* had fully proved themselves better Subjects, than the common Run of Protestants in *England*; The Judicature of our Parliaments has been questioned; nay, taken away, to the manifest Discountenance of Loyalty and to the open Discouragement and weakening of the Protestant Interest, in *Ireland*!

THIS true, but concise, State of your parliamentary Judicature, with the Means, by which it was taken from you, I thought of such Importance to the common Cause, that I judged it incumbent on me to extract it from the Records, and lay this short Abstract of it before you.

IT may not be improper to inform you, that the HOUSE of LORDS, moved by that truly pious and patriot Prelate, OUR KING, then, Archbishop of *Dublin*,

lin, made a full Representation of these Grievances, to his late Majesty, by the Hands of the Duke of Bolton, Lord Lieutenant of this Kingdom, in the Year 1719. But the *temporising Commons* did not think it consistent with their Places, or Pensions, to interest themselves in the Cause of their Country ; for which Reason, it, probably, is, that *our Lords* never got any Satisfaction, nor, even, an Answer to their most loyal, dutiful and patriot Representation, well worthy of the HEREDITARY GRAND COUNCIL of the Crown and the Kingdom.

THIS was not the first pernicious Plot, in which the *Judges* conspired, to overturn this Constitution. And, probably, will not be the last ; If Care be not taken to make them Independent on the Crown, by commissioning them, *during good Behavior* ; with such a certain Sallary, upon the Establishment, as will put it out of the Power of any Ministry, to frustrate the Ends of the Institution ; as that infernal Fiend, *Walpole*, did, by an additional Pension, or *annual Bribe*, in *England*.

You will probably, at first Sight, condemn me, for making this Charge, general, upon the Judges, when the *Barons* of the *Exchequer*, alone, seem concerned. I was not a Witness of the Transactions in those Days ; so I cannot be positive. But, there is great Reason to apprehend, that all the Judges, or the Majority of them, joyned in this most horrid Scheme. It is evident, the *Barons* of the *Exchequer* were foremost in executing the *Plot* ; but, that the *Chancellor* was, powerfully, aiding and assisting, is pretty plain, from his entering himself *Dissentient*, in every Question carried against these *Barons*, or in Favor of the *Representation* to the *Crown*, of the Abuses of his *worthy Brethren* and the Oppression of the *British Peers*. And, I am well informed, that one *Dolbein*, one of *our modern Knights*, and one of the *Justices* of the *Common Pleas*, was a most active Confederate in the Iniquity ; but, of this, I have no *legal Assurance* ;
he

he must, therefore, escape our Censure, as he has the Law.

UPON the other *honorable Gentlemen*, I shall give you the Judgment of the House of Lords in the Year 1719.

FIRST, it was resolved that SHERIF BURROWS proved the Allegations in his Petition against the *Barons* of the *Exchequer*, in which many arbitrary Acts of lawless Violence and Cruelty are charged upon them.

SECONDLY, that SHERIF BURROWS, in refusing to obey their lawless and iniquitous Injunction, *behaved himself with Integrity and Courage, and with due Respect to the Orders and Resolutions of Parliament*. And the Fines imposed upon him, were remitted.

As to the *Barons*, they were asked, whether they did, at any Time acquaint the chief Governor, or any of the Privy Council, agreeable to their Oaths; with the Orders they had received from *Great-Britain*, in this Cause. But they confessed their Guilt, by desiring to be excused answering a Question, by which they must be criminated. So it was resolved, that the Right Honorable *Jeffry Gilbert, Esq;* Lord Chief Baron of the *Exchequer*, in the Proceedings regarding *Sherlock* and *Annesley*, and SHERIF BURROWS; *acted in direct Violation of the Orders and Resolutions of the House, in manifest Derogation to, and Diminution of, the King's Prerogative of finally judging in his High Court of Parliament, in Ireland; and of the Rights and Privileges of the Parliament and People thereof.*

THE same Resolutions were made, with Regard to *John Pocklington, Esq;* and *Sir John St. Leger, Knt.* and then it was resolved, that the *three acted contrary to Law, and to the established Practice of the King's Courts*. And, afterwards, that *they were Betrayers of his Majesty's Prerogative, of the undoubted, antient Rights and Privileges of the House of Peers, and of the Rights and Liberties of the Subjects of this Kingdom;*

dom; and ordered into Custody of the Serjeant at Arms.

THIS, with *representing* the whole Case, fully to the King, was all that remained in the Power of the *Lords*. But, the *Commons*, who might, in my Apprehension, have impeached the *Barons*, for their most flagitious Crimes; being the most heinous, and destructive, of which, they could possibly, be guilty; remained *idle* and *indolent Spectators* of the Tragic-Scene. And *his late Majesty*, who might have removed, or otherwise punished these, *matchless Malefactors*, had he been rightly informed; continued some of them, in his Favor, here, upon the same Bench too, while he, *graciously*, rewarded the *Chief Baron*, the *Ring-leader*, with the Place of *Chief Baron* of the *British Exchequer*, and, if I be rightly informed, a *Peerage*, also. What became of *Pocklington* I know not; but hear, he died a *Baron*. And, as for *good Sir John*, when he was no longer capable of any *Service to the Ministry*, his *conspicuous Merit*, to encourage others, was rewarded with a *Pension, on the Public*, which he enjoyed for Life.

HENCE, you may learn, MY FRIENDS, the direful Effects of having your *Judges dependent*, which leaves such an open Inlet to *sinister Influence* and *Corruption*, as, not only, deprives us of the Benefits of the very Institution, but, thus, exposes the whole Constitution to Ruin and Destruction!

FROM these Abuses and Incroachments, you may, likewise, learn, how much depends upon the *Freedom, Wisdom* and *Virtue* of your *Commons*. Had your Representatives been endowed with the requisite Qualifications, in those Days, no *Judges*, or other Officers of the State would have dared to oppress, or injure Individuals; much less, to offer this unparalled Insult to the Parliament, this shocking Violence to the whole Frame of our Government. And the more your constitutional Rights have been invaded, the greater Need you have of Men of approved Sense and

and extensive Knowledge, of unshaken Freedom, invincible Fortitude, and invariable Virtue. While you have such, you must be safe; but, whenever you want them, you must be inevitably undone. That you may, be able to set, as you should do; a Pattern to the whole Kingdom, in *restoring* the FREEDOM and INDEPENDENCE of ELECTIONS; and return a Person, in all Respects, fitly qualified to *represent* you in Parliament; to be your *humble, faithful Servant*, not your *proud, perfidious Master*, is the principal Purpose, of my poor Endeavors, as it is, and ever shall be, the *Center* of the warmest Wishes of,

MY DEAREST BRETHREN *and* FRIENDS,

Dublin, Feb.
18th. 1748.

YOURS,

C. Lucas.

8142.8
81

4 AP 54

(P. 1000) 47

